

REMARKS

Claims 1-5, 7-12, 14 and 16-36 are pending in this application. Claims 1, 25, 26 and 27 have been amended by the present Amendment. Amended claims 1, 25, 26 and 27 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claims 1-4, 7-12, 14 and 16-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,339,455 ("Allan") in view of U.S. Patent No. 6,553,567 ("Wugofski") and further in view of U.S. Patent No. 6,526,335 ("Treyz").

Reconsideration is also respectfully requested of the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Allan in view of Wugofski and further in view of Treyz and U.S. Patent No. 6,256,317 ("Holloway").

Claims 1, 26 and 27 have been amended to recite that the console includes a computer operating system adapted to manage applications associated with the console. Claim 25 has been amended to recite that the console includes a computer operating system managing the web browser.

For example, Applicant's disclosure states that the console includes an operating system 114 such as LINUX and WINDOWS. See, e.g., Applicant's disclosure, Fig. 1 (element 114); p. 22, lines 7-14. The claimed operating system is for a computer, which has capabilities such as processing raw system and user input and allocating and managing tasks and internal system resources as a service to users and programs of the system. See Wikipedia, http://en.wikipedia.org/wiki/Operating_system (definition of Operating System).

Applicant respectfully submits that Allan does not disclose the claimed operating system, and there is no motivation to modify Allan to include the claimed operating system, or any other claimed components of a computer system.

Allan Does Not Disclose The Claimed Operating System

Allan does not disclose an operating system, let alone a computer operating system. The Examiner maintains that Allan discloses an operating system within the control unit 17 adapted to manage applications (software) associated with the console. Applicant respectfully disagrees.

The control unit 17 of Allan receives audiovisual signaling 18 and 19, which is then directed to, for example, a TV screen, or transmitter. Further, vehicle and/or battery electrics 12, 13 are transmitted to components such as a speaker, and a TV screen via the control unit 17. See Allan, col. 2, lines 46-63; Fig. 4.

While the control unit 17 appears to control distribution of signals and vehicle and/or battery electrics, there is no disclosure in Allan that the control unit 17 includes an operating system, let alone a computer operating system, such as WINDOWS. Indeed, the control unit 17 in Allan represents a simple device commonly found in consumer electronic devices to control operation thereof. However, such a device is not an operating system having capabilities of managing applications for a computer.

As such, Applicant respectfully submits that Allan does not disclose the claimed computer operating system. For at least this reason, Applicant submits that claims 1, 25, 26 and 27, and the claims dependent thereon are patentable over the cited references.

There Is No Motivation To Modify Allan To Include The Claimed Operating System, Or Any Other Claimed Components Of A Computer System

- a. Modifying Allan to include the claimed operating system would require substantial reconstruction and redesign of Allan's device

Applicant respectfully submits that the addition of a computer operating system, and/or a computer system and components thereof to Allan is contrary to the principle of operation of Allan. Accordingly, there is no suggestion for same.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, such that the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference", then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (CCPA 1959); see MPEP § 2143.01.

Allan relates to a vehicle-ceiling television with antenna and disc-player options. Allan's principle of operation is a simple configuration for providing video entertainment and lighting within a vehicle. See Allan col. 1, lines 32-37. Further, as stated above, the control unit 17 is a basic apparatus found in consumer electronic devices to control distribution of signals and electrics that does not have the structure or capabilities of an operating system.

As such, to implement the claimed computer operating system, and/or a computer system in Allan, would require substantial reconstruction and redesign of the Allan system, taking it out of the realm of a simple consumer electronic device, and resulting in a more complex and intricate device.

Therefore, there is no motivation or suggestion to modify Allan to include the

claimed computer operating system and components thereof. For at least this reason, Applicant submits that claims 1, 25, 26 and 27, and the claims dependent thereon are patentable over the cited references.

*b. The use of a computer operating system is
inconsistent with the objectives of Allan*

Applicant respectfully submits that including a computer operating system in Allan is inconsistent with Allan's objectives.

Allan states that the "objects of patentable novelty and utility taught by this invention are to provide a vehicle-ceiling TV in combination with disc recorded video games, movies and education in addition to lighting". See Allan col. 1, lines 32-37. As is clear from this disclosure, Allan aims to provide a simple configuration for providing video entertainment and lighting within a vehicle.

In contrast, a computer operating system is part of an intricate vehicle computer system, requiring numerous components and complex interconnections. Unlike the simple consumer electronic device of Allan, a system incorporating a computer operating system provides a comprehensive multi-function computer system that is much more difficult to install and is likely much more expensive than a basic entertainment device.

As such, incorporating a computer operating system is inconsistent with the objectives of Allan of providing a simple vehicle entertainment device, and there is no motivation to modify Allan to include same. For at least this reason, Applicant submits that claims 1, 25, 26 and 27, and the claims dependent thereon are patentable over the cited references.

c. *The divergent teachings of Allan and Treyz do not provide proper motivation or suggestion for the proposed combination*

Applicant respectfully submits that combining Allan with Treyz to render obvious wirelessly transmitting media to the console from a wireless device including a PDA, portable PC, or portable phone, as recited in claims 1, 26 or 27, or to render obvious the web browser of claim 25, is inconsistent with Allan's stated objectives.

As stated above, Allan aims to provide a simple consumer electronic device for providing video entertainment and lighting within a vehicle. See Allan, col. 1, lines 23-37.

In contrast, Treyz aims to provide a comprehensive multi-function computer system, which more than likely requires complex installation of its components and interconnections.

For example, as shown in Fig. 3, the automobile computer 14 of Treyz is a complicated system, including numerous peripherals, processor(s) and storage devices, which is not easily installed and has an intricate structure.

The ability to communicate with external networks and the web browsing, voice recognition and voice synthesis capabilities discussed in Treyz require the support of Treyz's memory, processors and circuitry to run their required applications. See Treyz, col. 13, lines 37-51. For example, Treyz states that the automobile computer performs such tasks as translating audio and video data into compatible formats and supporting a number of different protocols. See Treyz, col. 58, lines 24-46; Fig. 69.

In contrast to the Examiner's assertions, one of ordinary skill in the art would not seek to modify the basic system in Allan with the capabilities discussed in Treyz. Such modification would require substantial reconstruction and redesign of the Allan device,

and undercut the objectives of Allan by complicating the device such that it would cease to be the simple consumer electronic device for providing video entertainment.

As such, based on the clear differences between Allan and Treyz, there is no motivation to modify Allan to incorporate the features of Treyz. For at least this reason, Applicant submits that claims 1, 25, 26 and 27, and the claims dependent thereon are patentable over the cited references.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-5, 7-12, 14 and 16-36 under 35 U.S.C. § 103(a).

DEPENDENT CLAIMS

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, supra, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael F. Morano".

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